

Message Text

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ACTION EUR-25

INFO OCT-01 ADP-00 ACDA-19 IO-13 EB-11 CIAE-00 PM-07

INR-10 L-03 NEA-10 NSAE-00 PA-03 RSC-01 PRS-01

USIA-15 TRSE-00 MBFR-03 SAJ-01 SS-15 NSC-10 DODE-00

RSR-01 (ADP) W

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R 011217Z AUG 73

FM AMEMBASSY BONN

TO SECSTATE WASHDC 6613

INFO AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

USMISSION BERLIN

USMISSION NATO BRUSSELS

C O N F I D E N T I A L BONN 10907

E.O. 11652: GDS

TAGS: PGOV, WB, UR, GW

SUBJECT: SOVIET AIDE MEMOIRE ALLEGING QA VIOLATION:

JULY 31 BONN GROUP DISCUSSION

REF: A) MOSCOW 8745; B) BERLIN 1281

1. BONN GROUP HELD PRELIMINARY DISCUSSION ON JULY 31 OF SOVIET AIDE MEMOIRE (REF A) ALLEGING VIOLATION OF THE QA IN CONNECTION WITH DRAFT FRG LEGISLATION ON PENAL CODE REFORM. ALL REPS SEEMED AGREED THAT THE SOVIET NOTE DID NOT REQUIRE A LENGTHY REBUTTAL OF EACH OF THE POINTS RAISED BUT ONLY A BRIEF RESPONSE (AS USBER SUGGESTED PER REF B) INDICATING ALLIES' CONTINUED INTENTION TO EXERCISE THEIR RIGHTS AND RESPONSIBILITIES IN BERLIN.

2. UK REP WAS INITIALLY INTENT ON ALLIES' HAVING DETAILED SENAT MEMORANDUM ON THE BERLIN CLAUSE
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QUESTIONS (PARA 2, REF B) BEFORE ALLIES UNDERTOOK TO

BEGIN DRAFTING A REPLY TO SOVIETS. AFTER DISCUSSION, HE AGREED WITH OTHER ALLIED REPS THAT DRAFTING COULD BEGIN WITHOUT THE MEMORANDUM. IT WAS AGREED THAT THE RESPONSE, ONCE CAPITALS HAD ENDORSED IT, WOULD NOT BE SENT TO THE SOVIETS UNTIL THE ALLIES HAD RECEIVED THE SENAT MEMO AND HAD ASSURED THEMSELVES THAT NOTHING IN THE MEMO CONTRADICTED THE CONTENT OF THE PROPOSED REPLY. ALLIED REPS NOTED TO FRG FONOFF AND SENAT REPS THE IMPORTANCE OF THE SENAT PROVIDING THE PROMISED MEMO EXPEDITIOUSLY.

3. UK REP UNDERTOOK TO REPORT THE PROPOSED GENERAL APPROACH TO HIS AUTHORITIES AND, ONCE THE LINE HAD BEEN APPROVED, TO PARTICIPATE IN DRAFTING EXERCISE. US, FRENCH AND FRG REPS SAID THEY BELIEVED THEIR AUTHORITIES WERE IN AGREEMENT WITH THE PROPOSED APPROACH AND WOULD THEREFORE BE PREPARED TO BEGIN DRAFTING AS SOON AS THE BRITISH HAD THE GO-AHEAD.

4. IN THE MEANTIME, THE ALLIED AND FRG REPS CONSIDERED THAT THE ALLIED AUTHORITIES IN BERLIN SHOULD CONTINUE THEIR EXAMINATION OF THE DRAFT LEGISLATION WITH A VIEW TO SEEING WHAT ALLIED ACTION, IF ANY, MIGHT BE NEEDED TO BRING THE LEGISLATION INTO ACCORD WITH ALLIED REQUIREMENTS.

5. COMMENT: UK REPS TOOK GENERALLY STICKY POSITION IN THE DISCUSSION, REFLECTING THAT THEY TOLD US PRIVATELY WAS THEIR DISSATISFACTION WITH THE EXTENT OF SENAT-ALLIED CONSULTATIONS ON THE DRAFT LEGISLATION. WE EXPECT THAT, HAVING DEMONSTRATED THEIR SENTIMENTS, THE BRITISH WILL COME AROUND THE PROPOSED LINE. IN THIS CONNECTION, WE CONSIDER THAT USBER'S OUTLINE IN PARA 7 OF REF B STRIKES THE RIGHT NOTE AND PROPOSE TO WORK ON THAT BASIS IN THE DRAFTING OF A REPLY FOR CAPITALS' CONSIDERATION.
HILLENBRAND

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